

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>JOEL EDWARD TRAMMEL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-15-137-R</b>
	)	
<b>JARED WHITE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER ON DOC. NO. 32**

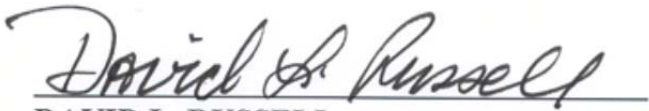
Plaintiff Joel Edward Trammell and Defendants City of Purcell, John Idlett, and Nathan Cross have filed a Stipulation of Dismissal with Prejudice (“Stipulation”), purporting to dismiss with prejudice Plaintiff’s claims against the aforementioned Defendants. Doc. No. 32. The Stipulation specifically does not seek to dismiss Plaintiff’s claims against the remaining Defendants, Jared White, Larry Rhodes, and the Garvin County Board of County Commissioners. *Id.* All Defendants have entered appearances and filed answers in this matter. Doc. Nos. 11-12; 14-16.

It appears that the parties sought to file the Stipulation pursuant to Federal Rule of Civil Procedure 41(a)(1) as a self-executing voluntary dismissal. The Rule permits such voluntary dismissals if: (1) filed before the opposing party serves an answer or a motion for summary judgment; or (2) it bears the signature of all parties who have appeared. Fed. R. Civ. P. 41(a)(1)(A).

The Stipulation does not meet either requirement. Because Defendants have filed answers, the Stipulation must, but does not, bear the signatures of all parties who have appeared in this matter (specifically, Defendants Jared White, Larry Rhodes, and the Garvin County Board of County Commissioners).

Accordingly, the Court construes the Stipulation as a Motion for Voluntary Dismissal by Court Order pursuant to Federal Rule of Civil Procedure 41(a)(2). The parties may respond and reply to the motion as the Local Rules permit.

IT IS SO ORDERED this 4<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE